

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

KIRK WAYNE LABADIE,

Plaintiff,

File No. 2:14-cv-23

v.

HON. ROBERT HOLMES BELL

DOUGLAS MITCHELL et al.,

Defendants.

/

**MEMORANDUM OPINION AND ORDER**

On August 3, 2016, United States Magistrate Judge Timothy P. Greeley issued a report and recommendation (R&R, ECF No. 54), recommending that Plaintiff Kirk Wayne Labadie's motion for summary judgment be denied, and that Defendants' motion to strike Plaintiff's motion for summary judgment be denied as moot. No objections have been filed, and the time for doing so has expired. The Court has reviewed the matter, and agrees with the Magistrate Judge's recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the Magistrate Judge's August 3, 2016, report and recommendation (ECF No. 54) is **APPROVED and ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Plaintiff's motion for summary judgment (ECF No. 49) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendants' motion to strike Plaintiff's motion for summary judgment as untimely (ECF No. 52) is **DENIED AS MOOT**.

Dated: August 29, 2016

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE